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PECHE 232

DECLASSIFICATION

of document: ST 7868/95 RESTREINT UE

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Subject: Adoption in the official languages of the communities of a council Decision concerning the opening of negotiations with the Government of Denmark and the local government of the faroe Islands for the adaptation of the Agreement between the EC, of the one part, and the Government of Denmark and the home Government of the Faroe Islands, of the other part, signed in Brussels on 2 December 1991, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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"I/A" ITEM NOTE

from : Article 113 Committee/Faroe Islands
dated : 17 May 1995
to : Permanent Representatives Committee/Council

No. Cion prop.: 5067/95 PECHE 49 - SEC(95) 45 final
No. prev. doc. :6189/95 PECHE 121

Subject: Adoption in the official languages of the Communities of a Council Decision concerning the opening of negotiations with the Government of Denmark and the local government of the Faroe Islands for the adaptation of the Agreement between the EC, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, signed in Brussels on 2 December 1991, to take into account the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union

1. The Commission presented a Recommendation for the above Council Decision on 1 March 1995.
2. The Article 113 Committee/Faroe Islands approved the Recommendation at its meetings on 17 March and 7 April 1995, subject to a scrutiny reservation by the Spanish delegation.
3. The Spanish delegation lifted its reservation on 14 June 1995, requesting the statement in Annex II hereto be entered in the Council Minutes.

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4. ~~The Article 113~~ Committee/Faroe Islands accordingly agreed to suggest that the Permanent Representatives Committee invite the Council, at one of its forthcoming meetings, to :

- adopt the Decision in the official languages of the Communities as set out in Annex I ;
- enter the statement in Annex II in the Council Minutes.

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ANNEX I

COUNCIL DECISION

CONCERNING THE OPENING OF NEGOTIATIONS WITH THE GOVERNMENT OF DENMARK AND THE LOCAL GOVERNMENT OF THE FAROE ISLANDS FOR THE ADAPTATION OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND THE GOVERNMENT OF DENMARK AND THE LOCAL GOVERNMENT OF THE FAROE ISLANDS, OF THE OTHER PART, SIGNED IN BRUSSELS ON 2 DECEMBER 1991, TO TAKE INTO ACCOUNT THE ACCESSION OF THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN TO THE EUROPEAN UNION

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1. According to Articles 76, 102 and 128 of the Act of Accession the three new Member States shall apply, as from 1 January 1995, the provisions of the agreements referred to in Articles 77, 103 and 129. They add that any adjustments shall be the subject of protocols concluded with the contracting countries and annexed to these agreements.
2. Articles 77, 103 and 129 of the Act of Accession list the agreements to which Articles 76, 102 and 128 shall apply.

The Agreement between the European Community, on the one part, and the government of Denmark and the local government of the Faroe Islands, on the other part, signed in Brussels on 2 December 1991¹, should be added to this list, in view of the provisions of the third indent of the above-mentioned Articles 77, 103 and 129.

3. The Act of Accession does not contain, with the exception of the case of Austria as regards the customs duties and licensing arrangements it applies to certain spirituous beverages (Article 72), any provisions which require transitional measures for the application by the new Member States of the above Agreement.
4. The above Agreement contains quantitative and/or preferential arrangements for certain goods, in particular for fishery products. Similar arrangements exist in the bilateral trade agreements between the acceding countries and the government of Denmark and the local government of the Faroe Islands.

It is in the mutual interest of the Community, on the one hand, and of the government of Denmark and of the local government of the Faroe Islands, on the other hand, that these quantitative and/or preferential arrangements be adjusted to take account of the accession to the Community of Austria, Finland and Sweden as from 1 January 1995.

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5. For fishery products, the situation is that the Agreement between the Community and the government of Denmark and the local government of the Faroe Islands contains limited concessions for certain products and that the agreements between the government of Denmark and the local government of the Faroe Islands and the adhering countries contain, in most cases, more substantial mutual concessions in the fishery sector. The negotiations on fishery products should therefore take into account the priorities of the parties involved and be based on the preferential arrangements currently operating under the various agreements, as well as the scale of recent trade in various priority product groups.
6. With regard to the application of the rules of origin, certain technical amendments are necessary in order to take account of the accession to the Community of Austria, Finland and Sweden.
7. In accordance with paragraph 1 of the rules of procedure concerning the information and consultation procedure for the adoption of certain decisions and other measures which may be adopted during the period prior to accession, the Commission consulted the representatives of the new Member States in order to obtain the information necessary to assess the effects of this proposal.
8. Articles 76, 102 and 128 of the Act of Accession stipulate that "should the protocols ... (adapting the Agreement in order to take account of the accession) not have been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession".

Therefore, as negotiations have not been concluded by 31.12.1994, the Council will, if justified by the evolution of trade flows and on the basis of a proposal from the Commission, take autonomous measures reflecting the content of the annexed negotiation directives.

9. Consequently and considering that it is advisable to adapt the Agreement between the European Community, of the one part, and the government of Denmark and the local government of the Faroe Islands, of the other part, signed in Brussels on 2 December 1991, to take account of the accession of the Republic of Austria, of the Republic of Finland and of the Kingdom of Sweden to the European Union and to start negotiations with the government of Denmark and the local government of the Faroe Islands for the conclusion of a protocol amending the aforementioned Agreement, the Commission:

recommends that the Council authorise the opening of negotiations with the government of Denmark and the local government of the Faroe Islands with a view to concluding a protocol amending the Agreement concerned as a result of the abovementioned accessions.

The Commission will conduct these negotiations with a special committee designated by the Council and on the basis of the attached negotiation directives.

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5. For fishery products, the situation is that the Agreement between the Community and the government of Denmark and the local government of the Faroe Islands contains limited concessions for certain products and that the agreements between the government of Denmark and the local government of the Faroe Islands and the adhering countries contain, in most cases, more substantial mutual concessions in the fishery sector. The negotiations on fishery products should therefore take into account the priorities of the parties involved and be based on the preferential arrangements currently operating under the various agreements, as well as the scale of recent trade in various priority product groups.
6. With regard to the application of the rules of origin, certain technical amendments are necessary in order to take account of the accession to the Community of Austria, Finland and Sweden.
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8. Articles 76, 102 and 128 of the Act of Accession stipulate that "should the protocols ... (adapting the Agreement in order to take account of the accession) not have been concluded by 1 January 1995, the Community shall take the necessary measures to deal with that situation on accession".

Therefore, as negotiations have not been concluded by 31.12.1994, the Council will, if justified by the evolution of trade flows and on the basis of a proposal from the Commission, take autonomous measures reflecting the content of the annexed negotiation directives.

9. Consequently and considering that it is advisable to adapt the Agreement between the European Community, of the one part, and the government of Denmark and the local government of the Faroe Islands, of the other part, signed in Brussels on 2 December 1991, to take account of the accession of the Republic of Austria, of the Republic of Finland and of the Kingdom of Sweden to the European Union and to start negotiations with the government of Denmark and the local government of the Faroe Islands for the conclusion of a protocol amending the aforementioned Agreement, the Commission:

recommends that the Council authorise the opening of negotiations with the government of Denmark and the local government of the Faroe Islands with a view to concluding a protocol amending the Agreement concerned as a result of the abovementioned accessions.

The Commission will conduct these negotiations with a special committee designated by the Council and on the basis of the attached negotiation directives.

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ANNEX

DIRECTIVES

FOR THE NEGOTIATIONS BY THE EUROPEAN COMMISSION OF AN ACCESSION
PROTOCOL OF AUSTRIA, FINLAND AND SWEDEN TO THE AGREEMENT BETWEEN THE
EUROPEAN COMMUNITY, OF THE ONE PART, AND THE GOVERNMENT OF DENMARK
AND THE LOCAL GOVERNMENT OF THE FAROE ISLANDS, OF THE OTHER PART, SIGNED
IN BRUSSELS ON 2 DECEMBER 1991

I. GENERAL PROVISIONS

1. All provisions of the Agreement between the European Community, on the one part, and the government of Denmark and the local government of the Faroe Islands, on the other part, signed in Brussels on 2 December 1991, including the annexes and protocols related thereto, as well as the declarations annexed thereto (hereafter named the Agreement) are applicable as from accession in the relations between Austria, Finland and Sweden on the one hand and the Faroe Islands on the other.
2. The transitional measures and the technical amendments listed below are the subject of a protocol concluded with the government of Denmark and the local government of the Faroe Islands and annexed to the Agreement.
3. The Faroe Islands are invited to apply fully to Austria, to Finland and to Sweden as from accession the provisions provided for by the Agreement without transitional measures.
4. The transitional measures and the technical amendments applicable to the Faroe Islands do not involve granting by Austria, Finland and Sweden to these islands of a more favorable treatment than that applicable to the Community as constituted before 1 January 1995.
5. The transitional measures applicable to the Faroe Islands do not involve the application by Austria, Finland and Sweden with regard to these islands of a less favorable treatment than that applied to the other non preferential third countries.
6. Until 1 January 1996, the Republic of Austria can maintain, with regard to the Faroe Islands, the customs duties and licensing arrangements which it applied on the date of its accession to spirituous beverages and undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol. falling within heading 22.08 of the HS. Any such licensing arrangements must be applied in a non-discriminatory manner.

II. RULES OF ORIGIN OF THE GOODS

1. The Joint committee provided for by the Agreement, will make any necessary amendments to the rules of origin following the accession of Austria, of Finland and of Sweden to the European Union.

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2. The Protocol N° 3 to the Agreement will be amended as follows:

a) in Article 11 (3), the following terms shall be added beside the words "ISSUED RETROSPECTIVELY":

"ANNETTU JÄLKIKÄTEEN" and

"UTFÄRDAT I EFTERHAND"

b) in Article 12 (2), the following terms shall be added beside the word "DUPLICATE":

"KAKSOIKAPPALE" and

"DUPLIKAT"

c) in Article 13 (4), the following terms shall be added beside the words "SIMPLIFIED PROCEDURE":

"YKSINKERTAISTETTU MENETTELY" and

"FÖRENKLAD PROCEDUR"

3. Without prejudice to the application of any measure deriving from the common commercial policy, evidences of origin properly issued by the Faroe Islands in the framework of preferential agreements concluded by Austria, Finland and Sweden with these islands or in the framework of unilateral national legislation of Austria, Finland and Sweden shall be accepted in these respective countries, provided that:

- the evidence of origin and the transport documents have been issued the day before accession at the latest;
- the evidence of origin is submitted to the customs authorities four months after accession at the latest.

4. Austria, Finland and Sweden are authorized to retain the authorizations by which the status of "approved exporters" had been granted in the framework of agreements concluded with the Faroe Islands, provided that:

- such a provision is also provided for in the Agreement concluded by the Faroe Islands with the European Union as constituted before 1 January 1995;
- the approved exporters apply the Community rules of origin.

These authorizations shall be replaced, one year after accession at the latest, by new authorizations issued under the conditions of Community legislation.

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5. Requests for subsequent verifications of evidences of origin referred to under items 3 and 4 shall be accepted by the competent customs authorities of the European Union as constituted before 1 January 1995 and those of Austria, Finland and Sweden for a period of two years after the issue of the evidence of origin concerned.

III. FISHERY PRODUCTS

For the fishery products, the protocol should take into account the priorities of the parties involved and be based on the preferential arrangements as implemented before 1 January 1995 under the various agreements. The compensations offered should reflect the traditional flows between the new Member States, on the one hand, and the Faroe Islands, on the other hand.

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STATEMENT
FOR THE COUNCIL MINUTES

"The Spanish delegation expresses its confidence in the action taken by the Commission and encourages it to pursue its efforts to bring to a successful conclusion the negotiations concerning application of the conditions for enlargement of the European Union, without losing sight of Spain's special interest in the question of access to fishery resources."

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